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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/439,206	11/12/1999	JAE IL JUNG	9983.97US01	1387

23552            7590            07/15/2003  
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[REDACTED] EXAMINER

PHAM, BRENDA H

[REDACTED] ART UNIT      [REDACTED] PAPER NUMBER

2664

DATE MAILED: 07/15/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

SG

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/439,206	JUNG ET AL.	
	Examiner	Art Unit	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 01 November 1999.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-7 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 4-7 is/are allowed.

6) Claim(s) 1 and 2 is/are rejected.

7) Claim(s) 3 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> .	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____.
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## DETAILED ACTION

1. Claims 1-7 have been examined.

### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-2 are rejected under 35 U.S.C 102(b) as being anticipated by

**Gullicksen et al** (US 6,370,114), hereinafter refer to as **Gullicksen**.

-Regarding claim 1, **Gullicksen** discloses a method for controlling a transmission control protocol window size in an asynchronous transfer mode network, wherein a window size is computed by using congestion information of a network during data transmission from a transmitting side ATM terminal to a receiving side ATM terminal, an explicit rate value in a resource management cell of an ATM level being used as the congestion information (col. 9, lines 38-52).

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-Regarding claim 2, **Gullicksen** further teaches the explicit rate value stores a minimum value of throughput, which each node of the network can receive, in the network resource management cell, col. 3, lines 20-52. (The source rate is controlled by the return of the RM cells, which are looped back by the destination or by a virtual destination. An RM cell includes several fields, such as the Explicit Rate (ER) field. The RM cell travels forward through the network, thus providing the switches in its path with the information in its content for their use in determining the allocation of bandwidth among ABR connections. Switches also may decide at this time to reduce the value of the explicit rate field ER. When the cell arrives at the destination, the destination changes the direction bit in the RM cell and return the RM cell to the source. If the destination is congested and cannot support the rate in the ER field, the destination reduces ER to whatever rate it can support. As the RM cell travels backward through the network, each switch may examine the cell and determine if it can support the rate ER for this connection. If ER is too high, the switch reduces it to the rate that it can support (the rate that the switch can support is a minimum value of throughput that is stores in the explicit rate).

***Allowable Subject Matter***

5. Claims 4-7 are allowed.
6. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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7. The following is a statement of reasons for the indication of allowable subject matter: the prior art made of record does not teach the limitations of claim 3.

The prior art made of record further fails to teach in combination the step for transmitting an explicit rate value in the received resource management (RM) cell to a transmission control protocol (TCP) level in the ATM transmitting terminal; a step for setting a congestion window to be '1' when the explicit rate value is received and computing the congestion window, when an acknowledgment signal is received from an ATM receiving terminal.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(US 6,208,653) Ogawa et al discloses a method and apparatus for controlling a flow between terminals in an ATM network.

(US 6,490,251) Yin et al discloses a method and apparatus for communicating congestion information among different protocol layer between networks.

(US 6,252,851) Siu et al discloses a method for regulating TCP flow over heterogeneous networks.

### **Conclusion**

9. *Any response to this action should be mailed to:*

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

faxed to:

(703) 872-9314, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist)

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (703) 308-0148. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (703) 305-4366.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Brenda Pham  
July 9, 2003

Brenda Pham